IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4230 OF 2007

Mr.Premchand Arjun Patel. ...Petitioner.

vs.

E.P.I.Employees Group Co-op.
Housing Society Ltd. ...Respondent.

Mr.A.S.Desai, for Petitioner.

CORAM: D.K.DESHMUKH &

DATED: 9th July,2007.

P.C.:-

By this petition the petitioner challenges the order passed by the Co-operative Court which is confirmed by the Revisional Court granting conditional leave to defend to the petitioner and the condition was that he

deposits 25% of the amount claimed in the dispute. The submission of the learned Counsel appearing for petitioner is that so far as the maintenance charges from 1997 to 2003 is concerned, he has paid the amount to the Managing Committee. But perusal of the receipt annexed to the petition shows that there are no receipts for the year 1997 and 1998. It appears to be the case of the Society that the petitioner was hand in glove with the previous managing committee. If that is so even the validity of the receipts relied on by the petitioner will have to be gone into. As the petitioner has been directed to deposit only 25% of the demanded amount, I do not find either the order is unjust or illegal. The petition is disposed of. However, time to deposit the money is extended by the period of two weeks from today.

(D.K.DESHMUKH, J.)

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